

Methods And Procedures

Process Protected Plants

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Introduction

This is a continuation of Step 5—Determine Authority to Certify Protected Plants for Export (page 2.2.7).

To process protected plants and plant material for export, you must identify the item as “other than American Ginseng,” “American Ginseng,” or “material moving in violation of ESA or CITES.” The procedures for processing these basic categories are included in this section, Process Protected Plants, and referenced in **Figure 2-8-1**.

- ◆ “Validate and Endorse Documents for Protected Plants Other Than American Ginseng” on [page-2-8-2](#)
- ◆ “Validate and Endorse Documents for American Ginseng (*Panax quinquefolius*)” on [page-2-8-16](#)
- ◆ “Process Violations of ESA or CITES” on [page-2-8-28](#)

FIGURE 2-8-1: Overview of steps for processing protected plants

The task of enforcing the legislation that protects plants from extinction requires that officers determine if articles are moving in accordance with or in violation of the legislation.

If the articles are moving in accordance with the legislation, the officer may:

- ◆ Endorse documents issued by the Division of Management Authority (DMA)¹; and, if appropriate
- ◆ Issue an FPC after import requirements (See **Figure 2-3-1 on page-2-3-2**) and inspection guidelines (See **Figure 2-4-1 on page-2-4-2**) are met

¹ Formerly the Federal Wildlife Permit Office (FWPO).

If the articles are moving in violation of the legislation, the officer may:

- ◆ Modify the inventory sheets if allowed and appropriate; otherwise,
- ◆ Refuse to endorse documents issued by DMA, and if appropriate,
- ◆ Refuse to issue an FPC, and
- ◆ Decide whether or not to initiate procedures to prosecute those found in violation of the legislation.

Endorsing DMA² Documents—Documents are **not** valid for the export or reexport of protected plants until they are endorsed by a PPQ officer. The documents endorsed are called permits and certificates (together with their continuation and inventory sheets, if appropriate). See “[Appendix E](#)” on [page-E-1-1](#) of this manual for a description of these documents.



An FPC for plants protected by CITES and ESA must be issued only at a designated port. Similarly, DMA documents issued for protected plants must be endorsed only at a designated port.

Validate and Endorse Documents for Protected Plants Other Than American Ginseng

Overview of Procedures:

Procedures to take in determining if articles are moving in accordance with or in violation of the legislation that protects plants from extinction are referenced in [Figure 2-8-2](#).

2 Formerly the Federal Wildlife Permit Office (FWPO).

- ◆ “Step 1—Judge Whether the Exporter Is Aware of the Legislation and Its Requirements:” on [page-2-8-3](#)
- ◆ “Step 2—Collect All Documents That Are Associated With the Export or Reexport:” on [page-2-8-3](#)
- ◆ “Step 3—Judge Whether the Export Is Commercial:” on [page-2-8-4](#)
- ◆ “Step 4—Determine What Permits, Certificates, and Other Documents Must Accompany the Export:” on [page-2-8-4](#)
- ◆ “Step 5—Allow the Exporter the Opportunity to Supply Any Missing: Documents When Appropriate:” on [page-2-8-10](#)
- ◆ “Step 6—Review All Relevant Documents to Confirm That They Are Completed, and Authentic:” on [page-2-8-10](#)
- ◆ “Step 7—Look for Any Alterations:” on [page-2-8-12](#)
- ◆ “Step 8—Compare the Documents to Each Other and to the Actual Shipment:” on [page-2-8-12](#)
- ◆ “Step 9—Endorse and Distribute Documents:” on [page-2-8-14](#)

FIGURE 2-8-2: Overview of steps for validating and endorsing documents for protected plants other than American ginseng

Step 1—Judge Whether the Exporter Is Aware of the Legislation and Its Requirements:

You need to know whether the exporter is aware of the legislation to substantiate if there was an obvious attempt to defraud you or to violate the regulations.

Step 2—Collect All Documents That Are Associated With the Export or Reexport:

In addition to the documents issued by DMA and PPQ, collect:

- ◆ Invoices
- ◆ Waybills, and
- ◆ Other shipping documents

Use these shipping documents to verify weights, numbers, and kinds of articles being exported. All protected plants must be invoiced, marked, or identified with the following marking requirements (Ref. 7CFR 355.21):

- ◆ The identity of the plant to the appropriate taxon (for hybrids, they are identified), and the number being exported
- ◆ The country or location where collected or grown
- ◆ The name and address of the consignee
- ◆ The name and address of the exporter or shipper
- ◆ A shipper’s mark and number

- ◆ The serial number of the permit or certificate issued for the product's export or reexport

Additional Requirement for Mail Shipments. For a mail shipment, the material must be double wrapped with an unsealed inner wrapping addressed to the consignee and have sufficient postage to reach the foreign destination. The marking and identification must be shown on the outside of the package. In addition to the outside marking requirements, the name, address, and telephone number of the intended recipient in the United States must be included on a separate sheet of paper placed inside the package (Ref: 7CFR 355.21).

Step 3—Judge Whether the Export Is Commercial:

Whether the shipment is commercial or noncommercial will influence the actions you take to certify protected plants. It will also affect what kind of document is issued (for example, an Export Permit (for CITES I) or Certificate of Artificial Propagation (for CITES II). Use **Table 2-8-1** to determine the criteria to separate commercial from noncommercial shipments.

TABLE 2-8-1: Determining if an Export Is Commercial¹

If:	Then consider the export:
The plant or plant product is known to be for sale or resale	Commercial
The plant is consigned to a nursery or a plant dealer	
The volume and variety of plants or plant products exceed what can be reasonably considered for personal use	
The parties are involved in commercial activities as evidenced by State registration, i.e., nursery, advertisements in trade journals and catalogs	
None of the above criteria applies	Noncommercial

¹ Commercial (Engaged in Business): Engaged in business as an importer, exporter, or reexporter of terrestrial plants. To import, export, or reexport terrestrial plants for the purpose of selling, bartering, collecting, or otherwise exchanging or acquiring the plants as a livelihood or enterprise engaged in for gain or profit. This term shall not include persons engaged in business merely as carriers or customhouse brokers. Reference 7CFR 355.2 for the definition of "Engaged in Business."

Step 4—Determine What Permits, Certificates, and Other Documents Must Accompany the Export:

Determine what documents must accompany the export; then determine what, if any, documents are missing. Use the references in **Table 2-8-2** as a checklist for determining if the export or reexport is appropriately documented.

TABLE 2-8-2: Determining What Permits, Certificates, and Other Documents Must Accompany the Export

If the plant or plant product is protected:	And the export or reexport is:	Then use:
Solely by CITES	Commercial	Table 2-8-3
	Noncommercial	Table 2-8-4
Solely by ESA	—————→	Table 2-8-5
Both by CITES and ESA	Commercial	Table 2-8-6
	Noncommercial	Table 2-8-7

For all commercial exports and reexports of protected plants, the exporter must hold a USDA General Permit (General Permit, PPQ Form 622). In addition to the General Permit, go to [Table 2-8-3](#) and determine other documents that must accompany the shipment.

TABLE 2-8-3: Determining What Documents Must Accompany the Export of Commercial Shipments of CITES Protected Plants

If the plant or plant product is:	And is Appendix:	Then you need:
Exempt ¹ from the CITES permit requirements because of artificial propagation (but not exempt from the requirements for a certificate)	II	4 copies of the DMA issued CITES II Certificate of Artificial Propagation
	III	4 copies of the DMA issued Certificate of Origin
Not exempt ¹ from the CITES permit requirements	I	4 copies of the DMA issued CITES I Export Permit (or reexport certificate) with the attached permit from the country of destination
	II	4 copies of the DMA issued CITES II Export Permit (or reexport certificate)
	III	4 copies of the DMA issued Certificate of Origin

¹ Commercial exports are **not** allowed under certificates of exemption when the plant was acquired prior to the date that CITES applied to it; or it is being exchanged between registered scientists or scientific institutions.

Go to [Step 5](#), Allow the Exporter the Opportunity to Supply Any Missing Documents When Appropriate.

TABLE 2-8-4: Determining What Documents Must Accompany the Export of Noncommercial Shipments of CITES Protected Plants

If the plant or plant product is:	And is Appendix:	Then you need:
Exempt ¹ from the permit requirements of CITES	I	4 copies of the DMA issued CITES I Certificate (certificate must be specific for the category exemption (artificial propagation, pre CITES, or exchange between registered scientific institutions))
	II	4 copies of the DMA issued CITES II certificate (certificate must be specific for the category exemption (artificial propagation, preCITES, or exchange between registered scientific institutions))
	III	4 copies of the DMA issued certificate of origin
Not exempt ¹ from the permit requirements of CITES	I	4 copies of the DMA issued CITES I Export Permit (or reexport certificate) with the attached permit from the country of destination
	II	4 copies of the DMA issued CITES II Export Permit (or reexport certificate)
	III	4 copies of the DMA issued Certificate of Origin

1 DMA grants exemptions for:

- ◆ Plants that were artificially propagated that are **not** a commercial export of plants or their derivatives listed under Appendix I
- ◆ Plants that were acquired prior to the date CITES applied to it
- ◆ Plants that are being exchanged between registered scientists or scientific institutions

Go to **Step 5**, Allow the Exporter the Opportunity to Supply Any Missing Documents When Appropriate.

TABLE 2-8-5: Determining What Documents Must Accompany the Export of ESA Protected Plants

If the exporter is:	And the plant or plant product is:	Then:
Commercial	Endangered	1. MAKE sure that the exporter holds a General Permit, and 2. COLLECT 4 copies of the DMA issued Permit for the Export of Endangered Species
	Threatened	1. MAKE sure that the exporter holds a General Permit, and 2. COLLECT 4 copies of the DMA issued Permit for the Export of Threatened Species
Noncommercial	Endangered	COLLECT 4 copies of the DMA issued Permit for the Export of Endangered Species
	Threatened	COLLECT 4 copies of the DMA issued Permit for the Export of Threatened Species

Go to **Step 5**, Allowing the Exporter the Opportunity to Supply Any Missing Documents When Appropriate.

For all commercial exports and reexports of protected plants, the exporter must hold a General Permit. In addition to the General Permit, go to **Table 2-8-6**, and determine the other documents that must accompany the shipment.

If the plant or product is:	And is Appendix	Then you need:
Exempt ¹ from the CITES permit requirement because of artificial propagation	II	4 copies of the DMA issued CITES I Certificate of Artificial Propagation amended in Block 5 to authorize Endangered or Threatened species
	III	4 copies of the DMA issued Certificate of Origin amended in Block 5 to authorize Endangered or Threatened species
Not exempt ¹ from the CITES permit requirements	I	4 copies of the DMA issued CITES I Export Permit (or reexport certificate) with the attached permit from the country of destination (Block 5 of the DMA permit must be amended to include Endangered or Threatened species)
	II	4 copies of the DMA issued CITES II Export Permit (or reexport certificate) amended in Block 5 to include Endangered or Threatened species
	III	4 copies of the DMA issued Certificate of Origin amended in Block 5 to authorize Endangered or Threatened species

TABLE 2-8-6: Determining What Documents Must Accompany the Export of Commercial Shipments of Plants Protected Both by CITES and ESA

- ¹ Commercial exports are not allowed under certificates of exemption when the plant was acquired prior to the date that CITES applied to it or it is being exchanged between registered scientists or scientific institutions.

Go to **Step 5**, Allow the Exporter the Opportunity to Supply Any Missing Documents When Appropriate.

TABLE 2-8-7: Determining What Documents Must Accompany the Noncommercial Shipment of Plants Protected Both by CITES and ESA

If the plant or plant product is:	And is Appendix:	Then you need:
Exempt from the permit requirements ¹	I or II	4 copies of the appropriate (certificate must be specific for the category of exemption (artificial propagation, preCITES, or exchange between registered institutions)) DMA issued CITES certificate amended in Block 5 to authorize Endangered or Threatened species
	III	4 copies of the DMA issued Certificate of Origin amended in Block 5 to authorize Endangered or Threatened species
Not exempt from the permit requirements of CITES	I	4 copies of the DMA issued CITES I Export Permit (or reexport certificate) with the attached permit or reexport certificate from the country of destination (Block 5 of the DMA permit must be amended to include Endangered or Threatened species)
	II	4 copies of the DMA issued CITES II Export Permit (or reexport certificate) amended in Block 5 to include Endangered or Threatened species
	III	4 copies of the DMA issued Certificate of Origin amended in Block 5 to authorize Endangered or Threatened species

- ¹ A plant may be exempt from the permit requirements when it—was artificially propagated; was acquired prior to the date CITES applied to it; or is being exchanged between registered scientists or scientific institutions.

Go to **Step 5**, Allow the Exporter the Opportunity to Supply Any Missing Documents When Appropriate.

Step 5—Allow the Exporter the Opportunity to Supply Any Missing Documents When Appropriate:

Go to **Table 2-8-8** to determine your action when the exporter is missing required permits or certificates.

TABLE 2-8-8: Allowing the Exporter the Opportunity to Supply Any Missing Documents When Appropriate

If the exporter:	Then:
Lacks any of the permits or certificates required by CITES and/or ESA	1. REFER the exporter to DMA ¹ , and 2. REFUSE to issue an FPC and to validate any DMA issued documents until the exporter supplies the missing permit or certificate
Lacks a USDA General Permit (PPQ Form 622)	1. CONFIRM that the export is commercial 2. GIVE the exporter a copy of the application for a General Permit ² , and 3. REFUSE to issue an FPC and to endorse any DMA issued documents until the exporter gives you evidence that he or she holds a current General Permit
Has all the necessary documents	GO to Step 6

1 If exporters lack CITES or ESA documents, they may call DMA at 1-800-358-2104 for information. Correspondence should be addressed to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 420 C, Arlington, VA 22203-3507.

2 If exporters need a General Permit or have questions related to General Permits, they should write to: PPQ-APHIS-USDA, Permit Unit, 4700 River Road, Riverdale, MD 20737.

Step 6—Review All Relevant Documents to Confirm That They Are Completed, and Authentic:

1. Verify That the Document Is Current—If the permit or certificate has expired, then tell the importer that the document must be replaced with a current one.³

Go to **Table 2-8-9** to determine if the document has expired.

3 If exporters need to have their General Permit renewed, or have questions about renewals, they should call the Permit Unit at 1-877-770-5990, fax at 1-301-734-8700, write to PPQ-APHIS-USDA, Permit Unit, 4700 River Road, Riverdale, MD 20737, or go to <http://www.aphis.usda.gov/ppq/permits/> on the internet.

If exporters need to have new CITES or ESA documents issued (DMA does not renew documents), they should call DMA at 1-800-358-2104. Correspondence should be addressed to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 420 C, Arlington, VA 22203-3507.

TABLE 2-8-9: Finding the Expiration Date

If the document is:	Then the expiration date can be found:
A CITES permit or certificate	In Block 2 (upper right-hand corner of the form)
An ESA permit	In Block 7 (to the right of the block that identifies the permittee)
A USDA General Permit	On a line at the bottom left-hand side of the form

2. See That CITES Documents Have Been Completed—On CITES forms, the exporter must fill in Blocks, 4, 11, 13, and 14 of the permit or certificate. The exporter does not fill in any information on the ESA permit or General Permit.
3. Go to **Table 2-8-10**, and Authenticate the Document—See that it has an approved signature.

TABLE 2-8-10: Approved Signatures

If the document is:	Then it must be signed by:
Issued by DMA	Mary Ellen Amtower Caroline Anderson Karen Anderson Bruce Babbitt Anna Barry Michael Carpenter Charlie R. Chandler Pamela Hall Marshall Jones Lisa J. Lierheimer Michael Moore Kristen Nelson Teiko Saito Kenneth Stansell Margaret Tieger Bruce Weissgold
A General Permit	A person authorized to do so by the USDA, APHIS, PPQ, PHP, Permits and Risk Assessments (PRA). If you have any questions, please call the permit unit at (301) 734-5055.

Step 7—Look for Any Alterations:

Look for any alterations (like erasures and forgeries) that may have been made to DMA or PPQ issued permits or certificates. Note if:

- ❖ The **date** of issuance or expiration has been changed
- ❖ Species **names** and **quantities** have been changed
- ❖ **Additional species** have been added to the permit, certificate, or its continuation sheets and inventory sheets

If a permit or certificate shows evidence of forgery or alteration, document it and **begin processing the violation**. (Go to [Table 2-8-11](#).)

Step 8—Compare the Documents to Each Other and to the Actual Shipment:

Compare documents to find if there are any discrepancies, omissions, inconsistencies, or inaccuracies.

1. Compare the Quantity of Plants and Their

Derivatives—Compare the quantity listed on the waybill and/or invoice to that identified in Block 11 of the CITES permit or certificate or Block 11 of the ESA permit (if limitations are prescribed).

TABLE 2-8-11: Verifying the Quantity of Plants

If the number of containers or quantity shown on the shipping documents:	Then:
Agrees with that on the DMA issued permit or certificate	GO to 2. below
Is fewer than what is allowed on the DMA issued permit or certificate	1. HAVE the exporter change the number of containers on the original copy of the DMA issued certificate or permit, THEN 2. GO to 2. below
Is more than what is allowed on the DMA issued permit or certificate	REFUSE to issue an FPC and to endorse any DMA issued documents

2. Confirm That All Special Conditions Listed on DMA Permits and Certificates Have Been Met

—Special conditions are spelled out in Block 5 of CITES permits and certificates and Block 11 of ESA permits. If any condition is unmet, then refuse to endorse the documents and to issue an FPC until you resolve the noncompliance. Special conditions may restrict the exportation:

- ❖ Times or exact dates
- ❖ Specific quantity or number of articles
- ❖ Particular sources

Blocks 5 and 11 will also alert you to whether or not the permit can be copied for repeated use.

3. **Confirm That the Plants and Plant Products Being Exported Are Those That Are Authorized by the DMA Issued Permits and Certificates**—Compare what’s on the shipping or mailing documents with what’s on the accompanying permits and certificates (including the inventory sheets that may be accompanying CITES listed plants).

Once you have confirmed that the DMA documents agree with the shipping documents, look at the material being shipped to confirm that only authorized plants or plant products are being exported. If you are unable to identify the plants or plant products, consult with someone at another designated port who may have experience with the plants being shipped. If you cannot find anyone with experience, then contact Export Services (ES), in Riverdale, MD. Refuse to issue an FPC until the plants are correctly identified.

TABLE 2-8-12: Verifying the Authorization of Shipments

If:	Then:
All plants and plant parts in the shipment are authorized	GO to Step 9
Some or all of the plants or plant parts in the shipment are unauthorized	PROCEED to 4. Begin Processing the Violation

4. **Begin Processing the Violation**—If you determine that the unauthorized export is a repeat violation or you judge that there was an obvious attempt to mislead you or to conceal unauthorized material, then **begin processing the violation**. Refuse to issue an FPC and to endorse the DMA issued documents. Make sure that all unauthorized material is removed from the shipment. Go to Process Violations of ESA or CITES, page 2.8.32.
5. **Line Through Unauthorized Entries**—If the exporter agrees to remove the illicit material, and you decide that initiating violation procedures is inappropriate, then line through the unauthorized entry on the inventory sheet. After lining through the unauthorized entry, write “NOT AUTHORIZED” across it. See [Figure 2-8-3](#) for marking unauthorized entries.

Block 7/8 (cont.) for export: Appendix II species of <u>Aloe</u> , <u>Euphorbia</u> , <u>Zamiaceae</u> , <u>Cycas</u> , <u>Cactaceae</u> and <u>Palmae</u> as listed below.			
INVENTORY NO. (A,B,C, etc.)	QUANTITY	SCIENTIFIC NAME	TYPE OF GOODS
A	-	LILIACEAE <u>Aloe vera</u>	
B	-	EUPHORBIACEAE <u>Euphorbia acruensis</u> <u>E. hermentiana</u> (=E. <u>trigona</u>) <u>E. lactea</u>	
C	-	ZAMIACEAE	
----	NOT AUTHORIZED----	<u>Dioon edule</u>	----
----	NOT AUTHORIZED----	<u>D. spinulosum</u>	----
		<u>Zamia pumila</u> (=Z. <u>floridana</u>)	

FIGURE 2-8-3: Example of deletion on inventory sheet

Step 9—Endorse and Distribute Documents:

Endorse and distribute DMA issued documents for the export of protected plants when you are certain that a violation of ESA or CITES has not occurred (see [“Process Violations of ESA or CITES” on page-2-8-28](#)). Once the plants or plant products meet the requirements of ESA and/or CITES, you may consider the items CERTIFIABLE and eligible for a Federal Phytosanitary Certificate. However, before you can issue a Federal Phytosanitary Certificate, import requirements ([Figure 2-3-1 on page-2-3-2](#)) and inspectional guidelines ([Figure 2-4-1 on page-2-4-2](#)) must be completed.

If the shipment contains material protected by CITES, then complete Blocks 13, 14, and 15 on Form 3-201A and Block 14 if there are any continuation and inventory sheets.

Endorse the documents following the directions from [Table 2-8-13](#).

TABLE 2-8-13: Endorsing Documents

To endorse the:	Enter in the following blocks:
CITES permit or certificate	<ul style="list-style-type: none"> ◆ Block 13—the actual quantities of plants being exported in each letter code ◆ Block 14—the bill of lading or air waybill number, the port of export, and the total number of shipping containers (verify the entry if the block is already filled in) ◆ Block 15—the date (spell out month), your signature, and stamp “released”
Continuation sheet	<ul style="list-style-type: none"> ◆ Block 14—the letter code and actual quantities of plants being exported under each code ◆ Along the bottom—the port of export, the date, your signature, and stamp “released” ◆ Block 15—the bill of lading or waybill number
Inventory (if an invoice is used, it must be stamped, dated, and signed)	Block 14—the port of export, the date, your signature, and stamp “released”
ESA permit	Block 11-stamp “released” in the bottom right-hand corner of the block, then sign and date.

Distribute the documents:

1. Make sure the original endorsed documents go forward with the shipment (including inventory and continuation sheets, if appropriate).
2. Return one set of the endorsed documents marked “COPY” to exporters for their records.
3. Take another set of the endorsed copies and securely staple them together. Send these to DMA at:

U.S. Fish and Wildlife Service
Division of Management Authority
4401 North Fairfax Drive, Room 700
Arlington, VA 22203-3507

4. Keep one set of the endorsed documents for your port files.
5. Discard any remaining copies.



Important

If the plants or plant products meet the requirements of ESA and/or CITES, return to Step 6, Determine if a Plant or Plant Product Is Prohibited in the Export Summary of EXCERPT, on page 2.3.3.

Validate and Endorse Documents for American Ginseng (*Panax quinquefolius*)

Overview of Procedures:

Procedures to take in determining if American ginseng is moving in accordance with or in violation of CITES are referenced in **Figure 2-8-4**.

Documents are not valid for the export or reexport of American ginseng until they are endorsed by a PPQ officer. The documents you endorse are called permits, certificates, and export reports. See Appendix 5 of this manual for a description of these forms. Before you begin endorsing documents for the export or reexport of American ginseng, see **Table 2-8-14** to determine if the article is protected by CITES.

- ◆ “Step 1—Judge Whether the Exporter Is Aware of CITES and Its Requirements:” on [page-2-8-17](#)
- ◆ “Step 2—Collect All Required Documents That Are Associated With the Export or Reexport:” on [page-2-8-17](#)
- ◆ “Step 3—Judge Whether or Not the Export Is Commercial:” on [page-2-8-18](#)
- ◆ “Step 4—Determine What Permits, Certificates, and Other Documents Must Accompany the Export:” on [page-2-8-18](#)
- ◆ “Step 5—Allow the Exporter the Opportunity to Supply Any Missing Documents When Appropriate:” on [page-2-8-20](#)
- ◆ “Step 6—Determine, for American Ginseng, if the Roots Were Legally Taken in a State Approved for That Harvest Season:” on [page-2-8-21](#)
- ◆ “Step 7—Review All Relevant Documents to Confirm That They Are Unexpired, Completed, and Authentic:” on [page-2-8-23](#)
- ◆ “Step 8—Look for Any Alterations:” on [page-2-8-24](#)
- ◆ “Step 9—Compare the Documents to Each Other and to the Actual Shipment:” on [page-2-8-25](#)
- ◆ “Step 10—Endorse and Distribute Documents:” on [page-2-8-26](#)

FIGURE 2-8-4: Overview of steps for validating and endorsing documents for American ginseng

TABLE 2-8-14: Identifying Ginseng That Is Regulated by CITES

If the plant or plant product is (or was collected or harvested from):	And is:	And:	Then:
American ginseng (<i>Panax quinquefolius</i>)	A whole plant	→	GO to Step 1 —the movement of the article is regulated
	Roots (or from the roots)	Whole or broken	
		Root hairs, An extract or derivative	EXIT these procedures—the article is not regulated by CITES ◆ For domestic origin ginseng, GO back to Import Requirements on page 2.3.1 to identify import requirements and determine if an FPC can be issued
Chinese ginseng (<i>Panax ginseng</i>), ginseng (<i>Panax pseudo ginseng</i>), or Siberian ginseng (<i>Eleutherococcus senticosus</i>) (Excluding <i>Panax ginseng</i> from Russia)	Leaf, stem, flower, or seed (or from these structures)	→	◆ For foreign origin ginseng, GO back to PPQ Form 579 on page 2.6.1 to issue a reexport certificate
		→	

Step 1—Judge Whether the Exporter Is Aware of CITES and Its Requirements:

You need to know whether the exporter is aware of the legislation as they relate to the export of American ginseng to substantiate if there was an obvious attempt to defraud you or to violate the regulations.

Step 2—Collect All Required Documents That Are Associated With the Export or Reexport:

If addition to the certificates, permits, and export reports issued by DMA and PPQ, collect:

- ◆ State certificates
- ◆ Invoices
- ◆ Waybills, and
- ◆ Other shipping documents

Use these shipping documents to verify weights, numbers, and kinds of articles being exported. All American ginseng must be invoiced by the exporter and marked or identified with:

- ◆ The identity of the plant (American ginseng—*Panax quinquefolius*)
- ◆ The State where collected or cultivated

- ◆ The name and address of the consignee
- ◆ The name and address of the exporter or shipper
- ◆ A shipper’s mark and number
- ◆ The serial number of the permit or certificate issued for the product’s export or reexport

Additional Requirements for Mail Shipments. For a mail shipment, the product must be double wrapped with an unsealed inner wrapping addressed to the consignee and have sufficient postage to reach the foreign destination. The marking and identification must be shown on the outside of the package. In addition to the outside marking requirements, the name, address, and telephone number of the intended recipient in the United States must be included on a separate sheet of paper placed inside the package. (Ref: 7CFR 355.21).

Step 3—Judge Whether or Not the Export Is Commercial:
Whether the shipment is commercial or noncommercial will influence the actions you take to certify protected plants. In addition to reviewing the documents and interviewing the exporter, use the criteria in **Table 2-8-15** to separate commercial from noncommercial shipments:

TABLE 2-8-15: Determining Whether a Shipment Is Commercial or Noncommercial

If:	Then consider the export:
The American ginseng or its products are known to be for sale or resale	Commercial
The products are consigned to a trading company, wholesaler, or dealer	
The volume and variety of roots or ginseng products exceed what can be reasonably considered for personal use	
The parties are involved in commercial activities as evidenced by State registration, a business, or advertisements in periodicals and catalogs	
None of the above criteria apply	Noncommercial

Step 4—Determine What Permits, Certificates, and Other Documents Must Accompany the Export:
Determine what documents must accompany the export, then determine what, if any, documents are missing. Use **Table 2-8-16** as a checklist for determining if the export or reexport is appropriately documented:⁴

⁴ Wild and cultivated roots may not be exported under the same Federal and State documents as each type of root has different export criteria.

TABLE 2-8-16: Determining the Documentation Requirements

If the American ginseng is being:	And was:	Then use:
Exported	Collected from the wild	Table 2-8-17
	Harvested from cultivated plants	Table 2-8-18
Reexported	—————→	Table 2-8-19

Exporters need separate CITES export permits for American ginseng collected from different harvest seasons. For example, if a person or company is exporting roots collected between October 1993 and October 1994, two export permits specific to the harvest season⁵ must be presented.

TABLE 2-8-17: Determining the Required Documentation for the Export of American Ginseng Collected From the Wild

If the export is:	Then you need to have:
Commercial	<ul style="list-style-type: none"> ◆ Evidence that the exporter has a General Permit ◆ A copy of the invoice, and ◆ Originals and copies of Federal and State issued documents as described for noncommercial shipments in the cell below
Noncommercial	<ul style="list-style-type: none"> ◆ An original and 3 copies of the DMA issued Export Permit for each harvest season ◆ An original and a copy of the Wild Ginseng Export Report (the original will be attached to the Federal Export Permit), and ◆ An original¹ and a copy of the State issued American Ginseng Export Certificate

¹ In general, accept only the original State Certificate. However, if the exporter or dealer modified the State Certificate by writing the lower weight of ginseng being exported, and certified this change with the written words, "I made these changes on [date]" followed by the full legal signature of the dealer or exporter—a photocopy of the original State Certificate may be used. This certificate must be modeled in accordance with Federal Regulations (see [Figure E-1-15 on page-E-1-27](#) for a sample).

Go to [Table 2-8-20](#) to allow the exporter the opportunity to supply any missing documents.

The exporter must present, in addition to the Certificate of Artificially Propagated Ginseng and the American Ginseng Export Report, a document⁶ from the State that certifies the American ginseng was cultivated (artificially propagated).

⁵ The "Wild Ginseng Export Report" will list the States authorized for export for a particular harvest season.
⁶ The Cultivated Ginseng Export Report will name the approved State(s) of origin.

TABLE 2-8-18: Determining the Required Documentation for the Export of American Ginseng Collected From Cultivated Plants

If the export is:	Then you need to have:
Commercial	<ul style="list-style-type: none"> ◆ Evidence that the exporter has a General Permit ◆ A copy of the invoice, and Originals and copies of Federal and State issued documents as described for noncommercial shipments in the cell below
Noncommercial	<ul style="list-style-type: none"> ◆ An original and 3 copies of the DMA issued Certificate of Artificially Propagated Ginseng ◆ An original and a copy of the Cultivated Export Report (this will be attached to the Federal Certificate identified above), and ◆ An original and a copy of the State issued American Ginseng Export Certificate

Go to **Table 2-8-20** to allow the exporter the opportunity to supply any missing documents.

The reexport of foreign cultivated American ginseng requires an DMA issued CITES Reexport Certificate. Go to **Table 2-8-20**.

TABLE 2-8-19: Determining the Required Documentation for the Reexport of American Ginseng

If the export is:	Then you need to have:
Commercial	<ul style="list-style-type: none"> ◆ Evidence that the exporter has a General Permit ◆ A copy of the invoice, and ◆ Copies of Federal and foreign issued documents as described for noncommercial shipments in the cell below
Noncommercial	<ul style="list-style-type: none"> ◆ An original and a copy of the DMA issued Certificate of Reexport ◆ A copy of the foreign document (permit, certificate or in-lieu-of permit) that proves legal import into the United States

Step 5—Allow the Exporter the Opportunity to Supply Any Missing Documents When Appropriate:

See **Table 2-8-20** to determine your action when the exporter is missing required permits or certificates.

TABLE 2-8-20: Allowing the Exporter the Opportunity to Supply Missing Documentation

If the exporter:	Then:
Lacks any of the permits, certificates, or export reports issued by DMA	1. REFER the exporter to DMA ¹ , and 2. REFUSE to issue an FPC and validate any DMA issued documents until the exporter supplies the missing permit, certificate, or report
Lacks a USDA General Permit (PPQ Form 622)	1. CONFIRM that the export is commercial 2. GIVE the exporter a copy of the application for a General Permit ² , and 3. REFUSE to issue an FPC and to endorse any DMA issued documents until the exporter gives you evidence that he or she holds a current General Permit
Lacks a State Export Certificate ³	REFUSE to issue an FPC and to endorse any DMA issued documents until the appropriate State Certificate is presented
Has the necessary documentation	GO to Step 6

- 1 If exporters lack CITES or ESA documents, they may call DMA at (703) 358-2093, 358-2095 for information. Correspondence should be addressed to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203-3507.
- 2 If exporters need a General Permit or have questions related to General Permits, they should write to: PPQ-APHIS-USDA, Permit Unit, 4700 River Road, Riverdale, MD 20737.
- 3 In general, accept only the original State Certificate. However, if the exporter or dealer modified the State Certificate by writing the lower weight of ginseng being exported, and certified this change with the written words, "I made these changes on [date]" followed by the full legal signature of the dealer or exporter—a photocopy of the original State Certificate may be used. This certificate must be modeled in accordance with Federal Regulations (see [Figure E-1-15](#) for a sample).

Step 6—Determine, for American Ginseng, if the Roots Were Legally Taken in a State Approved for That Harvest Season:

Compare the American Ginseng Export Report with the accompanying State American Ginseng Export Certificate. Make sure the roots were legally taken in a State approved for that harvest season⁷. Remember that the "Report" lists the States authorized for export for that particular season and that wild roots collected from different harvest seasons need separate "permits and reports."

⁷ If exporters need to know the State populations for which the export may be permitted, refer them to 50CFR 23.51 (Subpart F—Export of American Ginseng).

* * * * *

WILD GINSENG EXPORT REPORT 1985 HARVEST SEASON US Cert. # 4297

Directions to Permittee: Complete the following and securely attach State document(s) which certify that the ginseng was legally taken from those States.

Port of export San Francisco, CA Shipment # 1
(List numerically—begin with #1.)

Date of export May 26, 1986

Consignee: Hua Chung Ginseng Im.-Ex. Co.
Blk 624, ANG MO KUO
Ave. 16# 02-1402
Singapore 2265

[Signature]
(Permittee's signature)

States authorized for export for 1985 season:

<u>State</u>	<u>Weight</u>	<u>State</u>	<u>Weight</u>
Arkansas	_____	Missouri	_____
Georgia	_____	North Carolina	_____
Illinois	_____	Ohio	_____
Indiana	_____	Tennessee	<u>13-0</u>
Iowa	_____	Vermont	_____
Kentucky	_____	Virginia	_____
Maryland	_____	West Virginia	<u>110-0</u>
Minnesota	_____	Wisconsin	_____
Total Weight in this shipment: _____			<u>123-0</u>

Endorsement:

Signature of APHIS-PPQ Inspector _____

Official APHIS-PPQ Stamp _____

FIGURE 2-8-5: Examples of the American Ginseng Export Report and the State American Ginseng Export Certificate

Check to make sure that the State Certificate and the Export Report match in weight of roots and harvest season authorized. If there is a match, then the roots were legally taken.

1. If the ginseng was legally taken and appropriately documented, proceed to the next step.
2. If all, or a portion of the ginseng was illegally taken, and you judge that the export is a repeat violation, or an obvious attempt to mislead you or to conceal the fact that the roots were collected from the wild, then **begin processing the violation**. Refuse to issue an FPC and to endorse the DMA issued documents. Make sure that all illegally collected material is removed from the shipment. Go to **Process Violations of CITES** or **ESA** (page 2.8.32).
3. If the exporter or the exporter's agent agrees to remove the illegally collected root, and you decide that initiating forfeiture procedures is inappropriate, then line through the unauthorized entry on the invoice and write "NOT AUTHORIZED" across it. Make sure that all illegally collected material is removed from the shipment.⁸ Go to **Step 7**.

⁸ If it is impracticable to separate the exact "illegal" roots from the "legal" roots because they were commingled from more than one source—then remove just the weight of the roots that is equivalent to the weight moving in violation of CITES.

Step 7—Review All Relevant Documents to Confirm That They Are Unexpired, Completed, and Authentic:

1. Verify That the Document Is Current—If the permit or certificate has expired, then tell the exporter that the document must be replaced with a current one.⁹ Go to **Table 2-8-21** to determine if the document has expired.

TABLE 2-8-21: Verifying Documentation to Be Current

If the document is a:	Then the expiration date can be found:
CITES permit or certificate	In Block 2 (upper right-hand corner of the form)
General Permit	On a line at the bottom left-hand side of the form

2. **See That CITES Permits and Certificates Have Been Completed**—On these forms, the exporter must fill in Blocks 4 and 11. The exporter does **not** fill in any information on the General Permit.

See that the Ginseng Export Report (for both wild and cultivated American ginseng) has been completed. The exporter fills in all the information on this form and signs it with his or her name (not the company name). The exporter does not fill in any information in the endorsement block.

3. Go to **Table 2-8-22** and Authenticate the Document—See that it has an approved signature.

⁹ If exporters need to have new CITES documents issued (DMA does not renew documents), they should call DMA at (703) 358-2093, 358-2095. Correspondence should be addressed to U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203-3507

If exporters need to have their General Permit renewed, or have questions about renewals, they should call the Permit Unit at 1-877-770-5990, fax at 1-301-734-8700, write to PPQ-APHIS-USDA, Permit Unit, 4700 River Road, Riverdale, MD 20737, or go to <http://www.aphis.usda.gov/ppq/permits/> on the internet.

TABLE 2-8-22: Verifying Documentation to Be Authentic

If the shipment is:	Then it must be signed by:
Issued by DMA	Mary Ellen Amtower Caroline Anderson Karen Anderson Bruce Babbitt Anna Barry Michael Carpenter Charlie R. Chandler Pamela Hall Marshall Jones Lisa Lierheimer Michael Moore Kristen Nelson I. Teiko Saito Kenneth Stansell Margaret Tieger Bruce Weissgold
A General Permit	A person authorized to do so by the USDA, APHIS, PPQ, PHP, Permits and Risk Assessments (PRA). If you have any questions, please call the permit unit at (301) 734-5055.

Step 8—Look for Any Alterations:

Look for any alterations (like erasures and forgeries), that may have been made to State, DMA, or PPQ issued permits or certificates. Note if:

- ◆ The date of issuance or expiration has been changed.
- ◆ The authorized weights have been altered on the State American Ginseng Report Certificates or CITES forms.
- ◆ The State American Ginseng Export Certificate shows both wild and cultivated roots (there cannot be both wild and cultivated roots on the same certificate).

If a permit or certificate shows evidence of forgery or alteration, document it and begin processing the violation. Refuse to issue an FPC and to endorse any DMA issued documents. Go to Process Violations of CITES or ESA (page 2.8.32).

Step 9—Compare the Documents to Each Other and to the Actual Shipment:

Compare documents to find if there are any discrepancies, omissions, inconsistencies, or inaccuracies.

1. **Compare the Quantity**—Compare the number of containers listed on the waybill and/or invoice to that identified in Block 14 of the CITES permit or certificate. See that the weights authorized on the DMA issued documents and the total of weights shown on the State export certificates are what is actually being shipped.

TABLE 2-8-23: Verifying the Quantity of Plants

If the weight of the roots actually being exported:	Then:
Matches that shown on the State and Federal issued permits and/or certificates	GO to 2. below
Is less than what is allowed on the DMA issued permit or certificate	<ol style="list-style-type: none"> 1. ALLOW the exporter to draw a line through the original weight on the State certificate and write, by numbers, the lower weight 2. HAVE the exporter certify the change by writing, in ink, the statement, "I made these changes on [date]" followed by the full legal signature of the dealer or exporter, and 3. GO to 2. below
Is more than what is allowed on the DMA issued permit or certificate	REFUSE to issue an FPC and to endorse any DMA issued documents

2. **Confirm That All Special Conditions Listed on DMA Permits and Certificates Have Been Met**—Special conditions are spelled out in Block 5 of CITES permits and certificates. If any condition is unmet, then refuse to endorse the documents and to issue an FPC until you resolve the noncompliance. Special conditions may restrict the exportation:

- ❖ Fixed times or exact dates
- ❖ Specific quantity or number of articles
- ❖ Particular sources

Blocks 5 and 11 will also alert you to whether or not the permit can be copied for repeated use.

3. **Confirm That the Plants and Plant Products Being Exported Are Those That Are Authorized by DMA Issued Permits and Certificates**—Compare what's on the shipping or mailing documents with what's on the accompanying permits and certificates. If the export is identified as American ginseng that has been cultivated, make sure that it is not wild collected

ginseng. Use **Table 2-8-24** to help make a subjective discrimination between wild and cultivated American ginseng. Use **Table 2-8-25** to determine the appropriate action for processing authorized and illicit shipments of ginseng.

TABLE 2-8-24: Determining Whether American Ginseng Is Wild or Cultivated

Wild American Ginseng	Cultivated American Ginseng
1. Dense when squeezed	1. Less dense when squeezed
2. Gnarled	2. Less gnarled
3. Darker, earthier color	3. Lighter color
4. If broken, the interior is a darker color with few air spaces	4. If broken, the interior is a lighter color with numerous air spaces
5. Growth rings are close together and continuous	5. Growth rings are farther apart and not continuous
6. More than 4-6 bud scars on the neck of the root. See special conditions in Block 5 of permit	6. Rarely more than 4-6 bud scars on the root's neck

TABLE 2-8-25: Regulating the Shipment of American Ginseng

If:	Then:
All American ginseng roots or their parts are as authorized	GO to Step 10
Wild ginseng was substituted for cultivated ginseng or quantities were not authorized	GO to Process Violations of ESA or CITES, page 2.8.32 ¹

1 Begin Processing the Violation—If you determine that the unauthorized export is a repeat violation or you judge that there was an obvious attempt to mislead you or to conceal unauthorized material, then begin processing the violation. Refuse to issue an FPC and to endorse the DMA issued documents. Make sure that all unauthorized material is removed from the shipment.

Write in the Final, Legal Weight—If the exporter or the exporter's agent agrees to remove the illicit material, and you decide that initiating forfeiture procedures is inappropriate, write in the final, legal weight being exported on the appropriate line in Block 13 of the Export Permit or Certificate of Artificially Propagated Ginseng. Go to page 2.8.32.


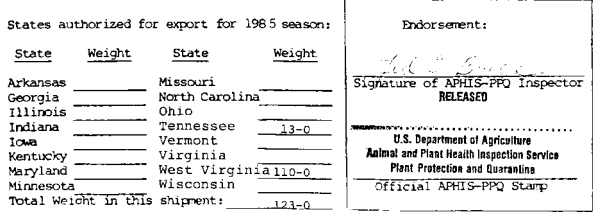
Step 10—Endorse and Distribute Documents:

Endorse and distribute DMA issued documents for the export of protected plants when you are certain that a violation of ESA and/or CITES has not occurred (see Process Violations of ESA or CITES, page 2.8.32). Once the plants or plant products meet the requirements of ESA and/or CITES, you may consider the items CERTIFIABLE and eligible for a Federal Phytosanitary Certificate. However, before you can issue a Federal Phytosanitary Certificate, import requirements (**Figure 2-3-1 on page-2-3-2**) and inspectional guidelines (**Figure 2-4-1 on page-2-4-2**) must be completed.

Complete blocks 13, 14, and 15 on the DMA Issued Export Permit or Certificate of Artificially Propagated Plants.

Endorse the CITES Permit or Certificate and Export Report as described in **Table 2-8-26**.

TABLE 2-8-26: Endorsing the CITES Permit or Certificate and the DMA Export Report

To endorse the:	Do the following:
CITES permit or certificate	<ol style="list-style-type: none"> ENTER in Block 13 the actual quantities of ginseng roots being exported in each letter code. ENTER in Block 14 the waybill number, the port from where the ginseng roots are being exported, and the total number of shipping containers. ENTER in Block 15 the date (spell out month), your signature, and stamp "released." <div style="text-align: center;">  </div>
DMA export report	<ol style="list-style-type: none"> ENTER your signature. STAMP "released." <div style="text-align: center;">  </div>

Distribute the documents.

1. Allow one set of endorsed documents to go forward with the shipment. This set must include the original of the DMA issued permit or certificate with its accompanying Export Report.



Important

Never allow the State American Ginseng Export Certificate to go forward with the shipment.

2. Mark "COPY" across one set of the endorsed documents, returning this set to the exporter for the exporter's records.

3. Assemble and staple one complete set of the export documents for DMA. Include in this set a copy of:
 - A. An endorsed copy of the DMA issued permit or certificate with its accompanying Ginseng Export Report
 - B. The original American Ginseng Export Certificate¹⁰ issued by the State
 - C. The waybill signed by the carrier and the invoice
4. Send this assembled and stapled set to:

U.S. Fish and Wildlife Service
Division of Management Authority
4401 North Fairfax Drive, Room 700
Arlington, VA 22203-3507
5. Keep one set of the endorsed documents for your port files. This set should include a copy of the endorsed documents and a document that describes the contents of the shipment.
6. Discard any remaining copies.



If the plants or plant products meet the requirements of ESA and/or CITES, RETURN to Step 6, Determine if a Plant or Plant Product Is Prohibited in the Export Summary of EXCERPT, on page 2.3.3.

Process Violations of ESA or CITES

These procedures are only for plant material. Procedures have been established for the forfeiture of nonplant material (such as equipment shipped with the plant material or the means of conveyance) when the exporter is found violating ESA or CITES.

The following are violations of ESA and CITES:

- ◆ Falsifying export documents to hide the actual identification of the plant, the number or weight of the shipment, the location where the plant was grown, etc.
- ◆ Exporting protected plants without the documents required by ESA or CITES and issued by DMA

¹⁰ In general, accept only the original State Certificate. However, if the exporter or dealer modified the State Certificate by writing the lower weight of ginseng being exported, and certified this change with the written words, "I made these changes on [date]" followed by the full legal signature of the dealer or exporter—a photocopy of the original State Certificate may be used. This certificate must be modeled in accordance with Federal Regulations (see [Figure E-1-15](#) for a sample).

- ◆ Commercially exporting protected plants without a General Permit issued by PPQ
- ◆ Failing to keep records required by 7CFR 355.23 or refusing to make reports from these records when requested by PPQ
- ◆ Exporting plants out of a port that has not been designated for the movement of protected plants

Overview of the Steps:

The steps to take to process violations of ESA and CITES are referenced in **Figure 2-8-6**.

- ◆ "Step 1—Set Up a System for Filing the Violations:" on [page-2-8-29](#)
- ◆ "Step 2—Confirm That the Violation Warrants Prosecution:" on [page-2-8-30](#)
- ◆ "Step 3—Seize the Plant or Plant Product:" on [page-2-8-30](#)
- ◆ "Step 4—Estimate the Retail Value of the Plant or Plant Product That Is Moving in Violation of the Legislation:" on [page-2-8-30](#)
- ◆ "Step 5—Start Forfeiture Procedures:" on [page-2-8-31](#)
- ◆ "Step 6—Safeguard the Seized Material:" on [page-2-8-33](#)
- ◆ "Step 7—Take Custody of Forfeited or Abandoned Material That Was Seized:" on [page-2-8-33](#)
- ◆ "Step 8—Start the Process for Getting Forfeited or Abandoned Live Plants to a Rescue Center:" on [page-2-8-34](#)

FIGURE 2-8-6: Overview of steps for processing violations of ESA and CITES

Step 1—Set Up a System for Filing the Violations:

The purpose of the filing system is to:

- ◆ Allow you to have immediate access to what actions were taken on seized property (in case you are asked questions about a particular action)
- ◆ Identify repeat offenders, and
- ◆ Facilitate a civil or criminal proceeding.

The principle document you will be filing is the Notice of Seizure and Proposed Forfeiture, PPQ Form 624. To set up your file, do the following:

- ◆ Give each shipment found in violation of the legislation its separate file.
- ◆ Number each file consecutively from the first seizure for the fiscal year. In your numbering, first show your port and the year. (See example in **Figure 2-8-7**.)

Miami 88-01

FIGURE 2-8-7: Example of numbering configuration used in filing systems for violations

- ◆ Put Part 4 of the PPQ Form 624 in the front of each file, and update it as necessary.
- ◆ Retain each file for 5 years after the last documented action is taken.

Step 2—Confirm That the Violation Warrants Prosecution:

TABLE 2-8-27: Confirming That the Violation Warrants Prosecution

If you have:	Then:
A repeat violation	1. CONTINUE processing the violation; it warrants prosecution, and 2. GO to Step 3 , Seize the Plant or Plant Product
Evidence that a permit, certificate, or other official document was altered or forged to gain advantage	
An obvious attempt to mislead you or to conceal unauthorized material	
A violation that meets none of the criteria described in the three cells above ¹	DISCONTINUE processing the violation, but make sure the unauthorized material is removed from the shipment

¹ The lack of ESA/CITES documents, the lack of a General Permit, or the attempt to export out of a non designated port may, in part, be due to the exporter's lack of knowledge of the regulations. If there is no obvious attempt to defraud or violate the regulations, provide the exporters with the required information and/or refer them to a designated port for clarification.

Step 3—Seize the Plant or Plant Product:

If you haven't already, seize the plant or plant product that is moving in violation of the legislation.

Step 4—Estimate the Retail Value of the Plant or Plant Product That Is Moving in Violation of the Legislation:

If the plants or their products are sold in the United States, then use the price asked or given for the items from the nearest retailer to estimate their value. If there is no market for the plants or their products in the United States, then use their invoiced value or any other reasonable means to estimate the retail value.

TABLE 2-8-28: Regulating Seized Material

If you estimate the value of the seized material to be:	Then:
More than \$10,000	GO Step 5 for procedures to be used when the value of the material exceeds \$10,000
\$10,000 or less	GO to page 2.8.37 for procedures to be used when the value of the material is \$10,000 or less

Step 5—Start Forfeiture Procedures:

The forfeiture procedures will allow you to gain legal custody of the material seized and to facilitate prosecution by DMA.

1. **Forfeiture Procedures to Be Used When the Value of the Material Seized Exceeds \$10,000**—Follow these steps; then continue processing the violation.
 - A. Complete PPQ Form 624, Notice of Seizure and Proposed Forfeiture. Edit the completed form so that there are no inaccuracies in Blocks 3 and 4 (these blocks are used to describe the property, why the property was seized, and your authority for the seizure).
 - B. Make sure that all relevant documents have been collected and filed. Update the file as necessary.
 - C. Immediately post Part 2 of PPQ Form 624 in a conspicuous place accessible to the public. The place must be at the PPQ office where the plants were seized. Keep the form posted for 21 days. Record the date and time of the posting on Parts 3 and 4 of the worksheet to PPQ Form 624.
 - D. Using certified mail with a return receipt requested, send the following forms to the last known addresses of all people believed to be owners or agents of the seized materials. Make sure that you have recorded the file number of the violation on PPQ Form 624.
 - Part 3 (and copies of Part 3) of the PPQ Form 624
 - PPQ Form 625, Claim and Bond
 - PPQ Form 626, Petition for Remission or Mitigation of Forfeiture
 - E. Record the people to whom you mailed Part 3 of PPQ Form 624 and accompanying documents on Part 4 of PPQ Form 624.
 - F. Write a narrative report of all relevant facts and circumstances of the violation. Include names of any witnesses. Cite the laws believed to have been violated. If you need additional guidance, contact the Export Services staff in Riverdale, MD.

- G. Within 5 working days, send the following documents to the Assistant District Attorney in the district where the plants or their products were seized. Send copies of all documents sent to the Assistant District Attorney to ES, Riverdale, MD, and to the regional director where the violation occurred.
 - Your report
 - The original and Part 4 of PPQ Form 624
 - The documents that accompanied the shipment
 - H. Go to [“Step 6—Safeguard the Seized Material:” on page-2-8-33.](#)
2. **Forfeiture Procedures to Be Used When the Value of the Material Seized is \$10,000 or Less**—Follow these steps; then continue processing the violation.
- A. Reconfirm that the violation warrants prosecution.

In order to continue processing the violation you must have encountered an obvious attempt to defraud you or to violate the regulations. If such was the case, continue to the next step.

If, on the other hand, there was no obvious attempt to defraud or violate the regulations, give the exporters the required information and/or refer them to a designated port for clarification. Do **not** continue processing the violation. The lack of ESA/CITES documents, the lack of a General Permit, or the attempt to export out of a non designated port may, in part, have been due to the exporter’s lack of knowledge of the regulations.

- B. Allow the owner the opportunity to either waive title to the material moving in violation of the legislation or to challenge the forfeiture of that material. Advise the owner that the material becomes forfeit after 21 days. If, after 21 days, a PPQ Form 625 (Claim and Bond) or a PPQ Form 626 is not received by the Deputy Administrator—the U.S. Government takes title to the material moving in violation of the legislation.

TABLE 2-8-29: Regulating Seized Material Valued at \$10,000 or Less

If the owner:	Then:
Agrees to waive title to the material	<ol style="list-style-type: none"> 1. Have owner COMPLETE and SIGN a PPQ Form 623, Waiver of Forfeiture Procedures by Owner of Seized Property. Make sure the owner reads both sides of the form. 2. CONTINUE processing the violation
Returns to challenge the forfeiture of the material	<ol style="list-style-type: none"> 1. GIVE owner PPQ Forms 625 and 626 2. CONTINUE processing the violation
Is absent	<ol style="list-style-type: none"> 1. MAIL owner PPQ Forms 625 and 626 2. CONTINUE processing the violation

C. Complete PPQ Form 624, Notice of Seizure and Proposed Forfeiture, for material seized under CITES and ESA legislation, then:

- File the original at the PPQ office where the material was seized.
- Immediately post Part 2 of PPQ Form 624 in a conspicuous place accessible to the public. The place must be at the PPQ office where the plants were seized. Keep the form posted for 21 days. Record the date and time of the posting on Parts 3 and 4 of the worksheet to PPQ Form 624.
- Hand Part 3 of the form to the owner after you have filled in the file number. If unable to hand the form to the owner of the seized material, mail Part 3 to the owner at their last known address—use certified or registered mail with a return receipt requested.
- Keep Part 4 as a worksheet to know what has happened, who was notified, and when the next step is to be taken.

D. Go to [Step 6](#), Safeguard the Seized Material.

Step 6—Safeguard the Seized Material:

Safeguard and keep the plants alive until they leave your care.

Make sure that nothing is lost and that live plants are kept alive and healthy. Do whatever you can to enhance their survival.

Step 7—Take Custody of Forfeited or Abandoned Material That Was Seized:

You may take custody of the seized material if, after 21 days:

- ◆ A Claim and Bond was not received by the Deputy Administrator.
- ◆ The exporter did not come up with the required CITES or ESA documents or a General Permit.

To take custody of the plants:

1. Complete a PPQ Form 627, Declaration of Forfeiture. Refer to Parts 1 and 4 of PPQ Form 624 (the worksheet) to complete PPQ Form 627.
2. Using registered or certified mail with a return receipt requested—send a copy of PPQ Form 627 to the owner of the forfeited material.

The plants are now the property of the U.S. Government.

3. Record the date and time you mail PPQ Form 627 in Block 7(d) of the worksheet (Part 4 of PPQ Form 624).

Step 8—Start the Process for Getting Forfeited or Abandoned Live Plants to a Rescue Center:¹¹

Phone Port Operations (PO) in Riverdale, MD. Tell them:

- ◆ The number and kind of plants
- ◆ The location where the plants were grown
- ◆ The name of the port and the file number
- ◆ Whether the material is mailable

PO will relay the information to DMA who will select the rescue center. PO will give you the name of the rescue center.

Send the plants to the rescue center. If the shipment is too large to be mailed, PO will arrange for the rescue center to pay for shipping. Once arrangements are made to pay for the shipping, you will be advised.

Record the date and time you sent the plants to the rescue center in Block 7(c) of the worksheet (Part 4 of PPQ Form 624).

¹¹ A rescue center is a place that will grow the forfeited or abandoned plants to ensure their survival. Generally it is a public institution.